

TO: James L. App, City Manager

FROM: Meg Williamson, Assistant City Manager

SUBJECT: Unrepresented Confidential, Professional & Management Group  
Emergency Response Compensation

DATE: November 18, 2008

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NEEDS: For the City Council to consider modifying the compensation structure of the Unrepresented Confidential, Professional & Management Group to allow for extraordinary emergency response mutual aid circumstances.

- FACTS:
1. Emergency Services (ES) personnel occasionally respond to emergency incidents outside the City in a mutual aid capacity. This is usually done at no cost to the sponsoring organization because the City is reimbursed for personnel and apparatus costs by the requesting agency on a portal-to-portal basis.
  2. For many years, ES management staff, when working out of the County on mutual aid assignments, have been paid only their regular salary - a practice inconsistent with other agencies – even though the City is paid for every hour they work. Many departments pay their Battalion Chief's (BC's) for all hours worked in out-of-town emergency/disaster response capacity.
  3. While no extra pay (or overtime) is being earned by our BC's for hours worked on these extraordinary mutual aid assignments, the individuals they supervise on these assignments are earning overtime. This creates a situation of salary compression where it is not uncommon for our Captain/Paramedics annual compensation to meet or exceed that of our BC. This causes a serious disincentive to promotion.
  4. While this is primarily an ES challenge, it could have broader implication to the Unrepresented Management group.
  5. As persons employed by the City, there are unique responsibilities placed upon management personnel that would require them to respond to emergency incidents both within the City limits and outside of our City, which may result in them working hours above and beyond their normal work requirements.
    - All persons employed by the City are required by law to serve as “disaster service workers” in the event of a disaster (as defined in the California Government Code Section 3100 and 3101).
    - Emergency Services and Police Department personnel are occasionally required to respond to emergency incidents outside the City on mutual aid assignments.
  6. The City's nine (9) local comparator cities were reviewed to determine whether or not they had developed policies to address compensation for their exempt

management personnel relative to these types of extraordinary situations. Only two had formal policies in place:

City of San Luis Obispo:

- Department head can authorize overtime payment of time and one half to management personnel for hours worked above and beyond what would be considered normal work requirements during an emergency event lasting at least eight (8) hours.
- ES Battalion Chiefs (BC's) are compensated at time and one half for hours worked on mutual aid assignments out of the area for which the City is reimbursed.
- BC's also receive a stipend of 1.275 times their base wage if they cover another BC's shift in excess of four (4) hours.
- The Police Chief may authorize overtime to PD exempt personnel due to extraordinary circumstances.

City of Santa Maria:

- BC's receive time-and-one-half when on a mutual aid assignment for which the City is reimbursed.
  - BC's receive additional straight time pay for hours worked over their normal 56 hour shift when working in a suppression capacity.
7. The City engaged in a "meet and confer" process with representatives of the Unrepresented Confidential, Professional & Management Group regarding the emergency response compensation proposal. The proposal was met with support based on the merits of the proposal and its neutral fiscal impacts.
  8. On November 7, 2008, a courtesy information meeting was held with all labor union group stewards to share the emergency response compensation proposal.

**ANALYSIS &  
CONCLUSION:**

In recognition of the extraordinary circumstances of emergency response that result in management working hours above and beyond their normal work requirements, the City should consider compensating members of this exempt work group for the additional hour's (at straight time rate) spent on these assignments (only) when the City is reimbursed by either federal or state agencies (so that there is no impact to the City's budget). Such a modification to the compensation plan will assist in reducing compensation compression and avoiding disincentives to promotion opportunities.

**POLICY**

**REFERENCE:** City Council Resolution 06-115, adopted July 5, 2006.

**FISCAL**

**IMPACT:** No fiscal impact will result from providing for emergency response compensation because such reimbursement may only occur when either federal or state agencies are providing reimbursement to the City for this time.

OPTIONS: For the City Council to:

- a. Adopt Resolution No. 08-XX approving a modification to the Unrepresented Confidential, Professional, Management Group compensation framework to provide for emergency response compensation at straight time rates for exempt employees who are dispatched to work assignments where the City receives reimbursement from either federal or state agencies so there is no impact to the City's budget.
- b. Amend, modify or reject above option.

Attachment:

1. Resolution approving emergency response compensation for the Unrepresented Confidential, Professional Management Group

RESOLUTION NO. 08-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
MODIFYING THE COMPENSATION STRUCTURE FOR THE UNREPRESENTED  
CONFIDENTIAL PROFESSIONAL MANAGEMENT GROUP  
TO ALLOW FOR EMERGENCY RESPONSE COMPENSATION

WHEREAS, City Council Resolution 06-115, adopted on July 5, 2006, embodies the compensation structure for the Unrepresented Confidential Professional Management Group; and

WHEREAS, Emergency Services (ES) personnel occasionally respond to emergency incidents outside the City in a mutual aid capacity, and is usually done at no cost to the sponsoring organization because the City is reimbursed for personnel and apparatus costs by the requesting agency on a portal-to-portal basis for these incidents; and

WHEREAS, for many years, ES management staff, when working out of the County on mutual aid assignments, have been paid only their regular salary - a practice inconsistent with other agencies; and

WHEREAS, many departments pay their Battalion Chief's (BC's) for all hours worked in out-of-town emergency/disaster response capacity; and

WHEREAS, while no extra pay (or overtime) is being earned by our BC's for hours worked on these extraordinary mutual aid assignments, the individuals they supervise on these assignments are earning overtime which creates a situation of salary compression where it is not uncommon for our Captain/Paramedics annual compensation to meet or exceed that of a BC, causing a serious disincentive to promotion; and

WHEREAS, while this is primarily an ES challenge, it could have broader implication to the Unrepresented Management group based on there obligation of employment and where unique responsibilities placed upon them as management personnel require them to respond to emergency incidents both within the City limits and outside of our City, which may result in them working hours above and beyond their normal work requirements; and

WHEREAS, it was determined that at least two of the City's nine (9) local comparator cities had developed policies to address compensation for their exempt management personnel relative to these types of extraordinary situations, generally allowing for compensation at a time and a half ratio; and

WHEREAS, in recognition of the extraordinary circumstances of emergency response that result in management working hours above and beyond their normal work requirements, the City should consider compensating members of this exempt work group for the additional hour's (at straight time rate) spent on these assignments, but only when the City is reimbursed by either federal or state agencies so that there is no impact to the City's budget; and

WHEREAS, the City engaged in a "meet and confer" process with representatives of the Unrepresented Confidential, Professional & Management Group regarding the emergency response compensation proposal who supported the proposal based on its merits and its neutral fiscal impacts.

NOW, THEREFORE, LET IT BE RESOLVED by the City Council of the City of El Paso de Robles that the compensation structure for the Unrepresented Confidential Professional Management Group shall be modified to allow for straight time rate compensation for exempt employees who are dispatched to work assignments where the City receives reimbursement from either federal or state agencies.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 18<sup>th</sup> day of November 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN

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Frank R. Mecham, Mayor

ATTEST:

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Deborah Robinson, Deputy City Clerk